

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

NICHOLAS F. MOODY,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-05-1380-M
	)	
OKLAHOMA CO. SHERIFF'S OFFICE	)	
and THE ATTORNEY GENERAL OF	)	
THE STATE OF OKLAHOMA,	)	
	)	
Respondents.	)	

**ORDER**

On December 14, 2005, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended summary dismissal of this action as time-barred. Petitioner was advised of his right to object to the Report and Recommendation by January 3, 2006. On December 27, 2005 and December 30, 2005, petitioner filed an objection/motion to appoint counsel.


Having carefully reviewed petitioner's objections/motions, the Court finds no cause to appoint counsel in this case, finds no cause to either statutorily or equitably toll the limitations period in this case, and finds that petitioner's Petition for Writ of Habeas Corpus is time-barred.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on December 14, 2005;
- (2) DENIES petitioner's motions to appoint counsel [docket nos. 7 and 8], and

(3) DISMISSES the Petition for Writ of Habeas Corpus as time-barred.

**IT IS SO ORDERED this 30th day of January, 2006.**

  
VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE